

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HADDRICK BYRD,

Plaintiff,

v.

SUPERINTENDENT BRITTAIN,
et al.,

Defendants.

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Civil No. 1:19-CV-59

Judge Sylvia H. Rambo

ORDER

For the reasons outlined in the accompanying memorandum, the court shall **GRANT** the motion to dismiss in part, dismissing all of Plaintiff's claims other than his First Amendment freedom of expression claim against Defendants C/O Chandler, Lieutenant Comisac, Superintendent Brittain, and Chief Grievance Officer Dorina Varner. Plaintiff will also be permitted to pursue both injunctive relief and damages against those defendants. Plaintiff's retaliation claim is **DISMISSED WITH LEAVE TO REPLEAD**, if he so chooses, **WITHIN TWENTY-ONE DAYS** of entry of this order. Plaintiff's Eighth Amendment claim, and his claims against all other defendants, are **DISMISSED WITH LEAVE TO FILE AS PART OF A SEPARATE LAWSUIT**.

/s/ Sylvia H. Rambo

Judge Sylvia H. Rambo

United States District Judge

Date: January 15, 2020